

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**GEORGE T. CYRIL, SR.,  
EVERETTE S. JONAS,**

**Plaintiffs,**

**v.**

**JOSE PEREIRA, JR., JOSE CARRERO,  
CARIBBEAN SCRAP METAL,  
CARIBBEAN BARGE, A.R. SAVAGE & SON, LLC,  
FIRSTBANK FLORIDA, ONESTEEL  
RECYCLING, INC., and MARITECH  
COMMERCIAL, INC.,**

**Defendants.**

**Civil Action No. 2016-0017**

**Attorneys:**

**Ronald E. Russell, Esq.,**  
St. Croix, U.S.V.I.  
*For Plaintiffs*

**Stefan B. Herpel, Esq.,  
Charlotte K. Perrell, Esq.,**  
St. Thomas, U.S.V.I.  
*For Defendants Jose Carrero and Caribbean Scrap, LLC*

**Warren B. Cole, Esq.,  
Elise Catera, Esq.,**  
St. Croix, U.S.V.I.  
*For Defendant FirstBank Florida*

**Charles Edward Lockwood, Esq.,**  
St. Croix, U.S.V.I.  
*For Defendant OneSteel Recycling, Inc.*

**Matthew J. Duensing, Esq.,**  
St. Thomas, U.S.V.I.  
*For Defendant Maritech Commercial, Inc.*

**ORDER**

**UPON CONSIDERATION** of the following four Reports and Recommendations issued by Magistrate Judge George W. Cannon, Jr.: (1) Report and Recommendation on Defendant Maritech Commercial, Inc.’s (“Maritech”) Motion to Dismiss Amended Complaint (“Maritech R&R”) (Dkt. No. 106); (2) Report and Recommendation on Defendant FirstBank Florida’s (“FirstBank”) Motion to Dismiss Second Amended Complaint (“FirstBank R&R”) (Dkt. No. 107); (3) Report and Recommendation on Defendant OneSteel Recycling’s (“OneSteel”) Motion to Dismiss Second Amended Complaint (“OneSteel R&R”) (Dkt. No. 108); and (4) Report and Recommendation on Defendants Jose Carrero (“Carrero”) and Caribbean Scrap, LLC’s (“Caribbean Scrap”) Motion for Summary Judgment (“Carrero R&R”) (Dkt. No. 109); Plaintiffs George T. Cyril, Sr. and Everette S. Jonas’ (“Plaintiffs”) “Objection to the Magistrate’s 2<sup>nd</sup> Report and Recommendation” (Dkt. No. 113); and based on the findings and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith; it is hereby

**ORDERED** that the Maritech R&R (Dkt. No. 106) is **ADOPTED**; and it is further

**ORDERED** that the FirstBank R&R’s (Dkt. No. 107) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, and the FirstBank R&R’s recommendation is **ADOPTED**; and it is further

**ORDERED** that the OneSteel R&R’s (Dkt. No. 108) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed contemporaneously herewith, and the OneSteel R&R’s recommendation is **ADOPTED**; and it is further

**ORDERED** that the Carrero R&R’s (Dkt. No. 109) findings are **ADOPTED IN PART AND REJECTED IN PART** as set forth in the accompanying Memorandum Opinion filed

contemporaneously herewith, and the Carrero R&R's recommendation is **ADOPTED**; and it is further

**ORDERED** that Defendant Maritech's "Motion to Dismiss Amended Complaint" (Dkt. No. 59) is **GRANTED**; and it is further

**ORDERED** that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant Maritech for failure to state a claim; and it is further

**ORDERED** that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) is **GRANTED IN PART AND DENIED IN PART**; and it is further

**ORDERED** that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) for lack of personal jurisdiction is **DENIED**; and it is further

**ORDERED** that Defendant FirstBank's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 66) for failure to state a claim is **GRANTED**; and it is further

**ORDERED** that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant FirstBank for failure to state a claim; and it is further

**ORDERED** that Defendant OneSteel's "Motion to Dismiss Second Amended Complaint" (Dkt. No. 67) is **GRANTED**; and it is further

**ORDERED** that Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE** as to Defendant OneSteel for lack of personal jurisdiction; and it is further

**ORDERED** that Defendants Carrero and Caribbean Scrap's "Motion for Summary Judgment" (Dkt. No. 69) is **GRANTED IN PART AND DENIED IN PART**; and it is further

**ORDERED** that Defendants Carrero and Caribbean Scrap's "Motion for Summary Judgment" (Dkt. No. 69) is **GRANTED** as to Count I ("Grand Larceny") of the Second Amended Complaint and is otherwise **DENIED**; and it is further

**ORDERED** that Count I (“Grand Larceny”) of the Second Amended Complaint against Defendant Carrero and Caribbean Scrap is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Date: July 14, 2022

/s/  
WILMA A. LEWIS  
District Judge